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REQUESTS FOR REVIEW AND DECLASSIFICATION
OF CLASSIFIED DOCUMENTS

A new system for classifying and declassifying Government documents related to national security matters was established by President Nixon on March 8, 1972, through Executive Order 11652 (37 Fed. Reg. 5209, 3A C.F.R. 154) and further implemented by the National Security Council Directive on May 17, 1972 (37 Fed. Reg. 10053, 3A C.F.R. 227). The change represents the first major overhaul in the classification system of federal documents in 20 years.

Under Executive Order 11652, classified materials are subjected to automatic declassification, normally within 10, 8 or 6 years according to classification category. Exemptions from this General Declassification Schedule may be made only by a limited number of properly authorized senior policy officials, and only for four limited categories of especially sensitive information. The new Order also provides for mandatory review for declassification of any such information which has been classified for 10 or more years when requested by any member of the public.

This pamphlet is intended to explain to you the procedures for requesting a review of classified documents and the rights to which you are entitled at each step of the reviewing process. The regulations of the individual departments (as used here the term "department" includes an agency or other government unit) may be consulted for further details regarding

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procedures and fees (usually these are made pursuant to the Freedom of Information Act). Inquiries may be addressed to the department concerned (see page 8).

REQUESTS FOR DECLASSIFICATION REVIEW

In preparing a declassification request, you should remember that

- (1) The mandatory review procedures apply only to classified documents ten or more years old.
- (2) A request must be for specific documents rather than all documents on a given subject.

A request for declassification review must describe the document referred to with sufficient particularity to enable the department to identify the document and process the request with a reasonable amount of effort. The more careful your research to define the documents in which you are interested in terms of date, author, originating office and subject matter, the more likely it will be that department can respond to your request.

For prompt handling, your requests should be addressed to the appropriate office of the department having custody of the documents wanted (offices and addresses are listed on page 8).

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Departmental Responsibilities. If your request lacks an adequate description of the record wanted, you will be asked to provide additional information to help in identifying it. Before a request is denied on the ground that it would be unreasonably burdensome to identify the document and process the request concerned, you will be asked to limit the request more narrowly to a record or records which could be located and reviewed with reasonable time and effort. If these responses do not result in a manageable request, you must be informed of the reasons why no further action can be taken on your request.

DEPARTMENTAL REVIEW

Records Ten to Thirty Years Old. An office receiving your request for declassification review is required to acknowledge to you receipt of the request in writing immediately, and to assign action to the appropriate office(s) within that department.

If your request requires the rendering of service for which fees should be charged (pursuant to Title V of the Independent Offices Appropriations Act, 1952, 31 U.S.C. 483a), you will be so notified.

The action office must make a determination regarding your declassification request within 30 days of its receipt or notify you why further time is necessary.

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The determination that continued classification of documents ten or more years old is required in the interest of national security may be made only if the classified information falls into one of the following categories:

- (1) Information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence,
- (2) Information or material specifically covered by statute, or pertaining to cryptography or disclosing intelligence sources or methods.
- (3) Information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.
- (4) Information or material the disclosure of which would place a person in immediate jeopardy.

If the action office determines that the information requested continues to require classification at the time of the request under one of the four categories above, you should be notified promptly of this fact. To the extent possible, you will be given a brief explanation as to why the requested material cannot be declassified. You will also be advised of your right to appeal the decision to the Departmental Committee established under the Executive Order 11652 to monitor the operation of the new classification

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Records More than Thirty Years Old. A request by you for declassification of documents more than 30 years old should be sent directly to the Archivist of the United States, Eighth and Pennsylvania Avenue, N.W., Washington, D. C. 20408, who will have them reviewed. (The Archivist also has authority to review and declassify certain White House documents, including those in a Presidential Library.) If the material requested has not been transferred to the National Archives and Records Service, the Archivist will review the requested documents for declassification together with the department having custody of them.

Classification of such 30-year-old or older records may be maintained only when the head of the department concerned makes a personal determination at that time that (1) continued protection of the records is essential to the national security, or (2) disclosure would place a person in immediate jeopardy. In either case, the Archivist will promptly notify you and provide you when possible with a brief explanation as to why the requested material cannot be declassified. You will also be informed of your right to appeal this decision to the Interagency Classification Review Committee. (see page 6)

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DEPARTMENTAL COMMITTEE REVIEW

When the action office which reviewed the material wanted has denied the request, or when no decision has been made within 60 days of the Departmental receipt of the request, you may appeal to the Departmental Committee.

The Departmental Committee must act within 30 days on any appeal regarding a request for declassification. If it does not complete its action within 30 days, or if it sustains the action office finding that continued classification is required under the Executive Order, you may appeal further to the Interagency Classification Review Committee (see below).

INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

An Interagency Classification Review Committee has been established to assist the National Security Council in monitoring implementation of the new Executive Order. Its members include a chairman designated by the President, the Archivist of the United States, and a senior official of each of the following agencies: Departments of State, Defense and Justice; the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council staff.

The Interagency Committee meets regularly on a monthly basis to consider and take action on complaints or appeals from within or outside

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the Government, with respect to the general administration of the new Order and appeals of denials of declassification requests from the Archivist or a Departmental Committee.

In the consideration of any such appeal to the Interagency Committee, the burden of persuasion is on the department concerned to show that continued classification is warranted under the new Executive Order.

Complaints or appeals may be addressed to the Interagency Classification Review Committee, Executive Office Building, Washington, D.C. 20506.

AVAILABILITY OF DECLASSIFIED DOCUMENTS

When it is determined that the documents you want no longer qualify for classification, they will be declassified, and if not otherwise exempt from disclosure under Section 552(b) of Title 5 U.S.C. (The Freedom of Information Act) or another provision of law, they will be promptly made available to you. You may be charged a fee for reproduction in the event you want a copy of the declassified documents.

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